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China, People's Republic of

Food and Agricultural Import Regulations and Standards

Grain and Feed Import and Export Regulations

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Report Highlights:

This is an UNOFFICIAL translation of the People's Republic of China Grain and Feed Import and Export Regulations and should be used as a guide only. Exporters should carefully discuss regulations and their application with Chinese importers to ensure that their interpretation of the regulations is accurate.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report
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This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Beijing, People's Republic of China for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Summary

The following is an unofficial translation of Ordinance Number Seven (7), the *Grain and Feed Import and Export Regulations*, issued by the State Administration for Quality Supervision, Inspection, and Quarantine of the People's Republic of China (AQSIQ). AQSIQ is the national-level supervisory authority for the China Inspection and Quarantine (CIQ) offices. AQSIQ ratified these regulations on November 21, 2001. This Ordinance shall be effective from March 1, 2002.

Grain and Feed Import and Export Regulations.

Chapter One: General Provisions.

Article 1. This regulation is formulated to strengthen grain and feed import and export inspection and quarantine, protect human health and the safety of animals and plants in accordance with the "Inspection Regulation for the Import and Export of Commodities", and its implementation regulations; the "Animal and Plant Entry and Exit Law" (CH1051) and its implementation regulations; and the "Food Hygiene Law" (CH1042).

Article 2. This regulation shall apply to inspection and quarantine management for grain and feed entry, transit, and exit designated for trade or non-trade purposes.

Article 3. The "grain" stated in this regulation shall refer to commodities that are used for non-sowing purposes. This shall include "grains" (e.g. wheat, corn, rice, barley, rye, oat, and sorghum); "beans" (including soybeans, mung beans, peas, adzuki beans, broad beans, and kidney beans); "tubers" (including potato, cassava, and sweet potato); and "processed products" (including rice, malt, and wheat flour). "Feed" refers to by-products produced from processed grain or oil products (e.g. wheat bran, soybean cake, and soy meal).

Article 4. The national-level AQSIQ shall monitor and manage grain and feed import and export inspection and quarantine work. CIQ offices shall be responsible for implementing the grain and feed import and export inspection and quarantine and supervision within their own jurisdiction.

Chapter Two: Inspection Application and Approval.

Article 5. AQSIQ shall implement an inspection application and approval system for all imported grain and feed. The goods owner or its agent shall go through inspection application formalities prior to signing a trade contract.

Article 6. Application procedure.

1. A goods owner or its agent shall complete and submit the "Application for the Import Inspection Permit for Animals and Plants" to the local area CIQ office for initial approval. The application shall include information regarding the post-entry processing factory, location, transportation methods, processing details, inspection and quarantine measures, and any other relevant information.
2. The CIQ office shall verify that the processing plant has the capacity to handle the imported grain or feed. The area CIQ office shall also verify that appropriate transportation, processing, and handling is available and in compliance with quarantine requirements. Applications that meet the initial requirements shall be sent to the national-level AQSIQ for further approval.
3. Applicants with verified requirements shall receive an "Import Inspection Permit for Animals and Plants". Applications that are not approved shall receive an explanation regarding the cause for the decision.

Article 7. A goods owner or its agent shall list the "Import Inspection Permit for Animals and Plants" requirements in the trade contract.

Article 8. A goods owner or its agent shall need to re-apply for an "Import Inspection Permit for Animals and Plants" under any of the following conditions.

1. There is a change in the grain or feed variety or the weight of the grain or feed change is over 10%.
2. There is a change in the exporting country or area of origin.
3. There is a change in the port of entry.
4. The "Import Inspection Permit for Animals and Plants" expires.

Chapter Three: Import Inspection and Quarantine.

Article 9. A goods owner or its agent shall request inspection prior to the goods entry. A goods owner or its agent shall provide the following certificates.

1. Import Inspection Permit for Animals and Plants.
2. The inspection method or standards stated in trade documents (trade contract agreements, letter of credit, etc.) or a product sample.
3. Other related documents and receipts.

Article 10. If needed, AQSIQ shall send inspectors to examine the export-origin disease conditions, to pre-examine products, and to supervise the loading process.

Article 11. Local CIQ officials shall inspect the import of grain and feed in accordance with the following requirements:

1. Mutual agreements signed by the People's Republic of China and the exporting country or region, contracts, and memorandums related to the inspection requirements.
2. Chinese laws or regulations, administrative regulations, or inspection and quarantine procedures as required by AQSIQ.
3. Inspection and quarantine requirements, as stated in the "Import Inspection Permit for Animals and Plants" for grain and feed inspection.
4. Other inspection and quarantine requirements as stated in trade contracts or the letter of credit.

Article 12. Grain and feed transported by ship for entry into China shall require a brief surface inspection and approval while at anchor prior to sailing into port and discharging goods. Prior approval shall be obtained for

any other special conditions that would require inspection after port entry.

If grain and feed is to be discharged at several ports, the CIQ office shall only inspect the grain and feed discharged at its port and provide written inspection results to the next port CIQ discharge point. If needed, the final CIQ office shall be responsible for issuing the inspection certificate.

Article 13. Grain and feed shipped by container and other transportation methods shall be inspected prior to distribution, sale, or use.

Article 14. Grain and feed carried by original transportation methods and original packaging for transit through China shall be supervised and administered according to transit regulations. Grain and feed that changes transportation methods or changes packaging shall be handled in accordance with import inspection requirements.

Goods for transit through China in containers via continental Eurasia shall be handled using the "Trial Management Regulations for Eurasian Continental Bridge Transit".

Article 15. Grain and feed approved for import shall be awarded proof of inspection permitting it for sale or use in the People's Republic of China.

Article 16. Grain imports that do not meet the requirements stated in Chapter Three No. 11, but may receive treatment, should receive treatment under the management and supervision of local CIQ inspectors. Those goods may then be used for sale or consumption after the goods inspection certificate is issued.

Article 17. CIQ shall issue a "Treatment Notice Certificate" and a "Plant Quarantine Certificate" for grain and feed with harmful organisms, but capable of treatment. After successful treatment, goods may be used for sale or consumption in the country.

Article 18. Grain or feed found to meet any of the following conditions shall be returned or destroyed.

1. Grain or feed that does not comply with inspection requirements as stated in Chapter Three No. 11 and has no effective means of treatment or fails tests after treatment.
2. Grain or feed found with soil or other harmful organisms that is without an effective treatment method.

Chapter Four: Export Inspection and Quarantine.

Article 19. A goods owner or its agent shall report to the CIQ office prior to exporting grain and feed. The inspection method stated in the trade contract or the letter of credit shall be submitted at the same time as other required documents.

Article 20. The transportation service, container loader, or its agent shall request that ships or containers of grain or feed are inspected prior to export. Approval shall be received before grain or feed may be transported.

Article 21. CIQ officials shall inspect the export of grain and feed in accordance with the following requirements:

1. Mutual agreements signed by the People's Republic of China and the exporting country or region, contracts, and memorandums of understanding related to the inspection requirements.

2. Chinese laws or regulations, administrative regulations, or inspection and quarantine procedures as required by AQSIQ.
3. Inspection and quarantine requirements as established by importing countries for grain and feed inspection.
4. Other inspection and quarantine requirements as stated in trade contracts or the letter of credit.

Article 22. Grain and feed in compliance with export requirements shall be issued an "Export Goods Customs Note" or a "Temporary Export Inspection Permit" by the CIQ office. If required, an inspection certificate for grain and feed shall be provided.

Article 23. The normal effective period for quarantine inspection shall be twenty-one (21) days. Extensions may be granted for up to thirty-five (35) days for Heilongjiang, Jilin, Liaoning, Inner Mongolia and Xinjiang during winter (November through February of the following year). Inspection certificates for grain and feed exports shall not exceed an effective period of two (2) months.

Article 24. A goods owner or its agent of grain or feed that requires port inspection shall apply for inspection within the effective period of the "Temporary Export Inspection Permit". If requirements are met, the "Export Goods Customs Note" shall be issued by the CIQ office. A goods owner or its agent with an expired "Temporary Export Inspection Permit" shall be required to undergo re-application formalities.

Article 25. Grain and feed goods that fail export inspection quarantine tests and that are capable of effective treatment shall require treatment before a certificate can be issued. Grain or feeds that do not have an effective treatment method or that fail treatment shall be issued a failure notice for export goods.

Chapter Five: Inspection Supervision and Management.

Article 26. CIQ shall be responsible for implementing the grain and feed import and export inspection and management regulations for production, processing, loading/unloading, transportation, and storage.

Article 27. Grain and feed destined for export to ports outside of local CIQ jurisdiction shall be inspected by the designated inspection office at the destination port. CIQ inspection offices shall notify the destination port inspection office in a timely manner.

Article 28. CIQ offices shall implement quarantine prevention and corrective measures if a serious disease, quality, or sanitation problem is found in the grain or feed for import or export. CIQ offices shall report this information to AQSIQ headquarters.

Chapter Six: Attachments.

Article 29. Violations of these regulations shall be penalized in accordance with rules as described in the "China Import and Export Inspection Regulations for Commodities" and the "China Inspection and Quarantine Regulations for Animals and Plants".

Article 30. AQSIQ shall be responsible for interpreting these regulations.

Article 31. These regulations shall be effective from March 1, 2002. These regulations supercede previous grain and feed import and export inspection and quarantine management regulations that may be different from this

regulation.